

Notice of Allowability

Application No.

09/648,908

Examiner

Stephen M. D'Agosta

Applicant(s)

SHUPE ET AL.

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 1-19-04.
2. ☒ The allowed claim(s) is/are 1-14 and 20-30.
3. ☒ The drawings filed on 25 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Arguments

The applicant's amendment filed 1-19-05 overcomes the examiner's prior art rejection. **Hence claims 1-14 and 20-30 allowed.**

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

1. The applicant has amended per the examiner's recommendation (eg. amending the independent claims with claims 18 and 30 or 15). The examiner notes that allowed claim 5 did not require the limitations from claim 18 since it previously disclosed sending a qualification directive to a switch/MSC.
2. The examiner believes the claims to be novel, in his opinion, since they recite highly specific designs not found in the prior art of record.
3. Regarding each independent claim -- Sonti teaches that a subscriber can dial a profile service number to request a profile change, the base station passes the dialed digits to the mobile switching center which then sends a "FEATREQ" message to the Home Location Register. The Home Location Register then sends the profile update to the Switching Center. Thus, in contrast to claim 1, Sonti does not teach or suggest sending a qualification directive to the Switching Center without receiving a request from any Switching Center.
4. Larkins fails to remedy these failings, as does Duran, hence the claims are allowed -- Larkins teaches processes and systems to enable a radiotelephone

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subscriber to set up services with a service provider. The radiotelephone, programmed by the subscriber, transmits a temporary directory number to the mobile switching center. The MSC then accesses an over-the-air center to obtain the subscriber profile, which then sends the profile. As the MSC makes a request for the subscriber profile, Larkins fails to teach or suggest the recitation of claim 1 of "without any prompting from any switching center" sending an update to the subscriber profile. Further, Duran is directed towards a system and method for temporarily relocating a subscriber to a new location, such as another telephone. Unlike claim 1, Duran does not make any mention of updating a subscriber profile. Hence, Duran also does not teach or suggest sending a profile update in response to a request generated in response to an update regarding a change in a subscriber profile, without any prompting by a Switching Center..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
PRIMARY EXAMINER
4-6-05

A handwritten signature in black ink, appearing to be 'SD' or 'D'Agosta' in a stylized cursive script.